

## **REMARKS**

This paper is responsive to any paper(s) indicated above, and is responsive in any other manner indicated below.

## **CONCURRENT REQUEST FOR CONTINUED EXAMINATION (RCE)**

Submitted concurrently herewith is a Request for Continued Examination (RCE) transmittal. In the event that the RCE transmittal is not filed herewith, then this paper should be taken as a request for the filing of an RCE.

## **STATEMENT OF SUBSTANCE / NON-FINAL RCE FIRST OFFICE ACTION**

The 12 October 2011 telephonic examiner interview (by and between Examiner Qing Yuan Wu and the Undersigned) is respectfully noted. In such interview, it was indicated by the Examiner that the present claim 7 (discussed during the interview) would overcome the rejections of record but would require further search and consideration and thus an RCE would be required. Accordingly, in view of the interview and RCE filing, it is respectfully submitted that it would not be proper to make any next action final. The Examiner is thanked for such interview, and for allowing Applicant to avoid the procedural/administrative delays associated with an after-final amendment and advisory action process.

## **STATEMENT OF SUBSTANCE**

This paper is (at least partially) responsive to the examiner interview mentioned above. As mentioned above, claim 7 represents a claim discussed during such interview, which was indicated by the Examiner as overcoming the rejection(s)

of record. Other ones of Applicant's pending claims have been similarly amended, and accordingly, such claims should likewise overcome the rejection(s) of record.

### **PENDING CLAIMS**

Claims 1, 3 and 5-6 were pending, under consideration and subjected to examination in the Office Action. Appropriate claims have been amended, canceled and/or added (without prejudice or disclaimer) in order to adjust a clarity and/or focus of Applicant's claimed invention. That is, such changes are unrelated to any prior art or scope adjustment and are simply refocused claims in which Applicant is present interested. At entry of this paper, Claims 1, 3 and 5-7 will be pending for further consideration and examination in the application.

### **CLAIM OBJECTIONS OBLIVIATED VIA CLAIM AMENDMENT**

Claim 3 has been objected to because of the Office Action concerns listed within the "Claim Objections" section on page 2 of the Office Action. As amendments have been made where appropriate in order to address each of the Office Action listed concerns, reconsideration and withdrawal of the claim objection are respectfully requested.

### **'101 REJECTION - ALLEGED "NON-STATUTORY SUBJECT MATTER"**

Claim 1 has been rejected under 35 USC 101, based upon an allegation that Applicant's recited claim(s) is directed to non-statutory subject matter. Traversal is appropriate. However, Applicant respectfully submits that present amendments to ones of the rejected claims even further define the rejected claims within proper 101

subject matter, and have obviated the rejection. Based upon the foregoing, reconsideration and withdrawal of the '101 rejection are respectfully requested.

In the event that the Examiner determines that any of the present claims do not satisfy the statutory subject matter requirement under '101 and are still directed to non-statutory subject matter, Applicant and the Undersigned ask the Examiner to telephone the Undersigned at the local Washington, D.C. area telephone number of 703-312-6600, or to draft any Office Action rejection, with recommended amendments which would obviate the '101-rejection. The Examiner is thanked in advance for such helpful considerations.

**REJECTION UNDER '112, 2ND PAR. OBIATED VIA CLAIM AMENDMENT**

Claims 1, 3 and 5-6 have been rejected under 35 USC '112, second paragraph, as being indefinite for the concerns listed on page 3 of the Office Action. Appropriate ones of such claims have been carefully reviewed and carefully amended where appropriate in order to address the Office Action listed concerns. As the foregoing is believed to have addressed all '112 second paragraph concerns, reconsideration and withdrawal of the '112 second paragraph rejection are respectfully requested.

**ALL REJECTIONS UNDER 35 USC '102 AND '103 - TRAVERSED**

All 35 USC rejections (i.e., the 35 USC '102 rejection of claims 1 and 3 as being anticipated by Schmidt et al. (U.S. Patent Pub 2005/0177635); and, the 35 USC '103 rejection of claims 5-6 as being unpatentable over Schmidt et al. (U.S.

Patent Pub 2005/0177635) in view of Churchyard (U.S. Patent 6,510,448)) are respectfully traversed.

All descriptions of Applicant's disclosed and claimed invention, and all descriptions and rebuttal arguments regarding the applied prior art, as previously submitted by Applicant in any form, are repeated and incorporated hereat by reference. Further, all Office Action statements regarding the prior art rejections are respectfully traversed. As additional arguments, Applicant respectfully submits the following.

Schmidt does not disclose a configuration that a process for handling a violation for each combination of the computer resource and violation count is configured (as admitted by Office Action comments).

Further, Schmidt and Churchyard (whether taken individually, or in combination) do not disclose combinations of the computer resource and violation count.

An advantage exerted by Applicant's configuring combination of the computer resource and violation count for each of the virtual machines, is that a level of user's sense of an unsatisfaction against an exhaustion of resources could be controlled by a built-in device manufacturer (such as manufacturers of car navigations or the like) such that those devices are configured to execute a plurality of applications respectively having different levels of reliability and importance among each other.

For example, in a system where the user is allowed to download arbitrary applications, the user sometimes downloads an application having a low reliability on purpose. For example, in a case where the resource violation occurs caused by the amount of resource exceeding the limit value requested by the application, the

resource requested by the application is not allocated to the application. However, if the application is aborted or uninstalled after the resource violation (even if the user has predicted such a resource violation), inconveniences caused by the abortion or uninstallation and the sense of disappointment that the application is no longer available, would make the user irritated and/or disappointed.

Further, in a case where the resource violation is imposed on the application which is essential to drive the system and the application is suddenly stopped at the time when the violation occurs, the core function of the system is lost and the user might have difficult time to cope with the inconvenience caused by the resource violation.

In order to avoid such inconvenience, it is necessary to estimate a scale of an impact imposed on the system by the resource violation of the application, so as to examine how the scale of the impact is affected by the number of times the resource violation occurs, and to manage a process for handling application in accordance with the scale of the impact. The impact on the system and the level of the user's satisfaction need to be controlled in an associated manner. To achieve such an association, the violation count and the process for handling the application should be configured adequately.

If the system is a server supported by a skilled system administrator, information such as the violation count and the application handling process could be configured appropriately by the administrator. However, for consumer products such as car-navigation, the configuration could not be handled by general users, since a certain technical knowledge and skill are required to handle the configuration, and

sometimes it takes a certain amount of time and/or complexity to complete the configuration.

Thus, a favorable way to configure the system for the consumer products, is to let the manufacturers of built-in devices work on the violation count and the process for handling the application, and to configure the information per each of "virtual machine" that is obtained by dividing, not applications, but application groups classified in accordance with reliability of the application. Applicant's claimed invention affords such an arrangement.

As a result of all of the foregoing, it is respectfully submitted that the applied art would not support a '102 anticipatory-type rejection or '103 obviousness-type rejection of Applicant's claims. Accordingly, reconsideration and withdrawal of such '102 and '103 rejections, and express written allowance of all of the rejected claims, are respectfully requested.

#### **EXAMINER INVITED TO TELEPHONE**

The Examiner is herein invited to telephone the undersigned attorneys at the local Washington, D.C. area telephone number of 703/312-6600 for discussing any Examiner's Amendments or other suggested actions for accelerating prosecution and moving the present application to allowance.

#### **RESERVATION OF RIGHTS**

It is respectfully submitted that any and all claim amendments and/or cancellations submitted within this paper and throughout prosecution of the present application are without prejudice or disclaimer. That is, any above statements, or

any present amendment or cancellation of claims (all made without prejudice or disclaimer), should not be taken as an indication or admission that any objection/rejection was valid, or as a disclaimer of any scope or subject matter. Applicant respectfully reserves all rights to file subsequent related application(s) (including reissue applications) directed to any/all previously claimed limitations/features which have been subsequently amended or cancelled, or to any/all limitations/features not yet claimed, i.e., Applicant continues (indefinitely) to maintain no intention or desire to dedicate or surrender any limitations/features of subject matter of the present application to the public.

## **CONCLUSION**

This Amendment is being submitted concurrently with the filing of a Request for Continued Examination (RCE) and does not present any changes which would require further search, consideration or fees. Entry and approval of the minor corrections made herein are respectfully requested.

To the extent necessary, Applicant petitions for an extension of time under 37 CFR '1.136. Authorization is herein given to charge any shortage in the fees, including extension of time fees and excess claim fees, to Deposit Account No. 01-2135 (Case No. 566.46629X00) and please credit any excess fees to such deposit account.

Based upon all of the foregoing, allowance of all presently-pending claims is respectfully requested.

Respectfully submitted,

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